IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22661 of 1994

Between:

1 R.V.S Jagan Mohan Rao S/o. Satyanarayana Rao
R/o. Mankollu village, Pothanapalli Post 521 214
Chatrai Mandal, Krishna Dist.
2 Talluri Satyanarayana Reddy S/o. Anjireddy
R/o. Mankollu village, Pothanapalli Post 521 214
Chatrai Mandal, Krishna Dist.
3 Smt. M. Nagaratnam W/o. Anjaiah
Chintalapalli Village & Post West Godavari District.
4 Budda Venkanna S/o. Papaiah
R/o. Mankollu village, Pothanapalli Post 521 214
Chatrai Mandal, Krishna Dist.
5 Smt. Gandam Ramadevi D/o. Kotamma
Chintalapalli Post & Village West Godavari District.

..... PETITIONER(S)

AND

1 Special Tahsildar Land Acquisition, P.W.D. Scheme
Machilipatnam, Krishna District.
2 Commissioner of Land Revenue Government of Andhra Pradesh
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of writ of Mandamus declaring the action of the respondents in rejecting the application vide letter Nos. B-235/82 dated 12.4.1994 is wholly arbitrary, illegal and without jurisdiction and pass

consequential orders as deem fit and proper

Counsel for the Petitioner:MR.G.VIDYASAGAR
Counsel for the Respondents: G.P. for L.A.

The Court made the following :

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ORDER

1. Heard both sides.

2. The petitioners herein whose lands have been acquired, are seeking reference under section 28-A of the Land Acquisition Act (for short, 'the Act').

3. The case of the petitioners is that their lands and the lands of others have been acquired on 3.9.1972 and subsequently, awards

were passed in February and March, 1975. As against the same, some of the claimants sought reference under section 18 of the Act, and ultimately the appeals arising there from were disposed of on 02-03-1986 and an award, in this case, seems to have been passed on 02-09-1988. After obtaining certified copies, dated 05-11-1988 and 07-11-1988 a representation has been made by the petitioner on 28-11-1988. However, the same has not been properly considered. Having considered the fact in the appeal, it is seen that the application has been filed by the petitioner is well within the time prescribed as per law. In view of the same, absolutely, there is no reason to reject the said representation.

4. Accordingly, the Writ Petition is allowed and the impugned order is set aside. The respondents are directed to make a reference in respect of the petitioners land under Section 28-A of the Act.

16-07-2004.

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on the Friday, the Sixteenth day of July, Two thousand and four.

Assistant Registrar.

// true copy //

Section officer

To,

1. Special Tahsildar Land Acquisition, P.W.D. Scheme
   Machilipatnam, Krishna District.
2 Commissioner of Land Revenue Government of Andhra Pradesh
   Hyderabad.

3, 2 C.Cs to G.P. for L.A. High Court Buildings,Hyderabad (out)

4. 2 C.D.copies.